

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

PERCY TWAIN BARBER and MARIA
BARBER,

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CIVIL ACTION NO. 1:21-CV-00539
JUDGE MICHAEL J. TRUNCAL

JURY VERDICT FORM

QUESTION 1

Did Plaintiffs prove by the preponderance of the evidence that Thomas Burbank is a debt collector?

Thomas Burbank is a debt collector if the principal purpose of his business is the enforcement of security interests, which includes non-judicial foreclosures.

Answer “Yes” or “No.”

Answer: No

If you answered “No” to both Question 1 and Question 2, do not answer the remaining questions.

QUESTION 3

Did Plaintiffs prove by the preponderance of the evidence that Thomas Burbank took action to conduct a non-judicial foreclosure of their property when they were not in default on their mortgage?

Answer “Yes” or “No.”

Answer: _____

QUESTION 4

Did Plaintiffs prove by the preponderance of the evidence that Thomas Burbank took action to conduct a non-judicial foreclosure of their property without providing them proper notice?

Thomas Burbank provided Plaintiffs with proper notice if, at least 21 days before the date of the sale, he served written notice of the sale by certified mail on each Plaintiff by depositing the certified mail in the United States mail, with postage prepaid, and addressed to the Plaintiffs at their last known address.

Answer “Yes” or “No.”

Answer: _____

Only answer Question 5 if you answered “Yes” to Question 3 and/or Question 4.

QUESTION 5

Did Plaintiffs prove by the preponderance of the evidence that Thomas Burbank was acting in the course and scope of his employment for, or on behalf of, Law Offices of Thomas J. Burbank, P.C. when he took action to conduct a non-judicial foreclosure of their property?

Answer “Yes” or “No.”

Answer: _____

Only answer Question 6 if you answered “Yes” to Question 3 and/or Question 4.

QUESTION 6

What sum of money, if paid now in cash, would fairly and reasonably compensate Plaintiffs for their economic damages, if any, that resulted from the actions that Thomas Burbank took to conduct a non-judicial foreclosure of their property?

Answer, in dollars and cents, for economic damages, if any.

Answer: \$ _____

Only answer Question 7 if you answered “Yes” to Question 3 and/or Question 4.

QUESTION 7

What sum of money, if paid now in cash, would fairly and reasonably compensate Plaintiffs for their mental anguish, if any, that resulted from the actions that Thomas Burbank took to conduct a non-judicial foreclosure of their property?

Answer, in dollars and cents, for mental anguish damages, if any.

Answer: \$ _____

Our verdict is unanimous. All of us have agreed to each and every answer. The presiding juror has signed the certificate for all of us as set forth below.

Emily Hiltner

Signature of Presiding Juror

August 8, 2023

Date